

Remarks

Support for the amended claims and scope of the amended claims

Examiner will immediately see that the claims as amended are fully supported by the Specification as filed. Examiner will also see that the amendments affect the scope of the claims only to the extent required for the claims to pass muster under 35 U.S.C. 101.

Why claim 211 as amended cannot be interpreted as being “directed to software *per se*”

The above application has a continuation-in-part, USSN 10/765,424, now U.S. patent 7,698,160, Beaven et al., *System for performing collaborative tasks*, issued April 3, 2010. In an appeal in the ‘424 application, The Board of Appeals similarly reversed rejections under 35 U.S.C. 102 and/or 103 and entered a new ground of rejection under 35 U.S.C. 101. Applicants responded by amending their claims to overcome the new ground of rejection. The amendments in the present application are modeled on those made in the ‘424 application to overcome the Board’s new ground of rejection under 35 U.S.C. 101 and the following discussion is modeled on the discussion in the ‘424 application.

In their rejection of claim 211 the BPAI panel cites the U.S. Patent & Trademark Office, Interim Examination Instructions for Evaluating Subject Matter Eligibility under 35 U.S.C. § 101, Aug. 2009. At page 9 of that document is found a flowchart titled “Subject Matter Eligibility Test”, which examiners may use to determine whether the subject matter of a claim passes muster under 35 U.S.C. 101. Application of the flowchart to claim 211 proceeds as follows:

1. **Question:** Is the claim to a process, machine, manufacture, or composition of matter? **Answer:** As set forth in claim 211’s preamble, the claim is addressed to a “system for supporting management of a collaborative activity by persons involved therein” which is “implemented using a processor and a storage device accessible to the processor”. There can thus be no doubt that the claim is directed to a machine.
2. **Question:** Is the claim a process claim? **Answer:** No. See (1) above.

3. **Question:** Does the claim recite a judicially recognized exception? **Answer:** No. A claim to a “system for supporting management of a collaborative activity by persons involved therein” which is “implemented using a processor and a storage device accessible to the processor” is not a claim to “an abstract idea”, a “law of nature” or a “natural phenomenon”.
4. **Conclusion:** “Claim *qualifies* as eligible subject matter”.

Claim 211 as amended is consequently addressed to eligible subject matter under 35 U.S.C. 101. Since that is the case, all of the claims dependent from claim 211 are addressed to eligible subject matter.

Conclusion

Applicant has amended claim 211 to overcome the BPAI’s rejection of it as not directed to eligible subject matter and has amended the remaining claims to correct errors noted by Applicant and to bring them into conformity with claim 211 as amended. The claims as amended are fully supported by the Specification as filed. There being no further issues between Examiner and Applicant, Applicant’s Attorney respectfully requests that Examiner allow the claims as amended and issue a *Notice of Allowance*. No fees are believed to be required for this amendment. Should any be, please charge the additional fees to deposit account number 501315.

Respectfully submitted,

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